

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANA CARRASQUILLO, *individually and on
behalf of all others similarly situated,*

Plaintiff,

-against-

WESTECH SECURITY AND
INVESTIGATION INC.,

Defendant.

USDC SDNY
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DATE FILED: 12/6/2023

23-cv-04931 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On December 6, 2023, the Court held a Local Rule 37.2 conference to resolve the arguments raised in the parties' October 30, 2023 joint pre-motion conference letter [ECF No. 27.] Specifically, Plaintiff requested that the Court compel discovery responses from Defendant. Conversely, Defendant sought leave to file a motion to stay all discovery pending the Court's determination on its motion to dismiss. [ECF No. 27.] This Order serves to memorialize the Court's rulings at the December 6 conference.

At the conference, the Court advised Defendant that discovery is not routinely stayed on the basis that a motion to dismiss has been filed. *See e.g., Republic of Turkey v. Christie's, Inc.*, 316 F. Supp. 3d 675, 677 (S.D.N.Y. 2018); *Hong Leong Fin. Ltd. (Singapore) v. Pinnacle Performance Ltd.*, 297 F.R.D. 69, 72 (S.D.N.Y. 2013). Additionally, in response to the Court's inquiries, Defendant informed the Court that it had not yet served Plaintiff with its initial disclosures, as set forth in Federal Rule of Civil Procedure 26.

Accordingly, the Court ordered that Defendant provide Plaintiff with its Rule 26 initial disclosures **on or before December 13, 2023**. The Court further ordered that Defendant produce

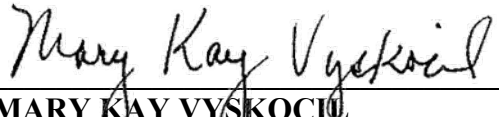
all records **relating to Plaintiff Ana Carrasquillo**, including any and all time sheets and/or wage records relating to Plaintiff, **by December 20, 2023**.

The Court also cautioned Plaintiff that preemptively pleading boilerplate and conclusory class allegations and/or conditional Fair Labor Standards Act collective allegations would not permit Plaintiff to expand the universe of discovery. The Court advised Plaintiff's counsel that if Plaintiff wished to move for class certification and/or conditional collective certification, she should request a pre-motion conference with the Court (pursuant to Individual Rule of Practice in Civil Cases 4.A).

Failure to comply with the deadlines in this Order and any other Orders in this case, the Local Rules, or the Court's Individual Rules of Practice may result in sanctions, including monetary penalties, preclusion at trial of information not provided, or preclusion and/or dismissal of claims or defenses.

SO ORDERED.

Date: December 6, 2023
New York, NY



MARY KAY VYSKOCIL
United States District Judge